

REMARKS

Claims 4-12 are pending in the present application. The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the claimed invention. Claims 4-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ballard et al., U.S. Patent No. 6,397,041. Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ballard in view of Mayo, U.S. Patent No. 5,133,081.

New drawings are submitted herewith. Reconsideration of the application is respectfully requested.

Objections to the drawings

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the claimed invention. New Figs. 2-4 are submitted herewith for the Examiner's consideration. New Fig. 2 includes the step of storing the transmitted parameter values for performing a frequency prognosis, as recited in claims 7 and 11. New Fig. 3 includes the step of determining alternative transmit frequencies, as recited in claim 8. New Fig. 4 includes the features of claim 12. The specification has accordingly been amended. It is respectfully submitted that no new matter has been added.

Withdrawal of the objections to the drawings under 37 CFR 1.83(a) is respectfully requested.

Rejection under 35 U.S.C. §103(a)

Claims 4-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ballard et al., U.S. Patent No. 6,397,041. Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ballard in view of Mayo, U.S. Patent No. 5,133,081.

Ballard was filed on December 22, 1999, and thus has that effective prior art date. Applicant has claimed the benefit of the filing date of applicant's German priority application No. DE 199 18 829.7, filed on April 22, 1999. The International Bureau of WIPO has previously provided the U.S. Patent and Trademark Office with a certified copy of the

priority document, DE 199 18 829.7. An English-language translation of this document is submitted herewith, along with a statement that the translation is accurate.

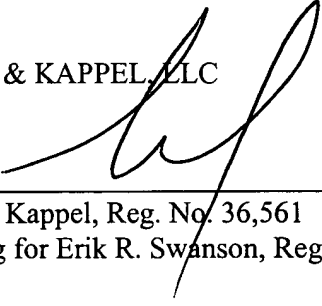
Accordingly, applicant has overcome the Ballard reference by perfecting the claim to priority to an earlier filing date, 35 CFR 1.44(a)(4), and respectfully requests withdrawal of the rejections to claims 4-12 under 35 U.S.C. § 103(a) based on Ballard, or Ballard in combination with Mayo.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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Amendments to the Drawings:

The attached three sheets of drawings respectively include new Figs. 2-4.

Attachment: Three new sheets.